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May 8, 2022

Department of Ecology

Attn: Water Quality Program, Construction Stormwater

P. O. Box 47696

Olympia, WA 98504-7696

*Submitted electronically to [ecyrewqiano@ecy.wa.gov](mailto:ecyrewqiano@ecy.wa.gov)*

Re: Draft Bridge Industrial Construction Stormwater General Permit WAR311285

To Whom It May Concern,

**Executive Director**

**Melissa Malott**

Thank you for providing the opportunity to review and comment on the draft Bridge Industrial Construction Stormwater General Permit WAR311285.

**Board of Directors**

**Dana Coggon**

**Desiree Wilkins Finch**

**Barry Goldstein**

**Anders Ibsen**

**Candice Ruud**

**Sheri Tonn**

**Alan Varsik**

Communities for a Healthy Bay (CHB) is a 31-year-old organization whose mission is to represent and engage people in the cleanup, restoration, and protection of Commencement Bay, its surrounding waters and natural habitat. We are a 501(c)3 nonprofit providing practical, solutions-based environmental leadership in the Puget Sound area. We work side-by-side with residents, businesses, and government to prevent and mitigate pollution and to make our community healthier and more vibrant.

We understand the proposed construction involves the redevelopment of a 147.49-acre site in South Tacoma. The applicant is proposing to construct three double-loaded buildings and one single-loaded building totally approximately 2,500,000 square feet. This construction would occur after the site is cleared and graded, and after parking lots, truck courts, private access roads, and associated infrastructure for stormwater treatment, sanitary sewer, and water main extensions are built. The Department of Ecology (Ecology) is proposing to issue a Construction Stormwater General Permit for the project.

**A tax-exempt  
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nonprofit corporation**

CHB staff and members of our Policy and Technical Advisory Committee have spent many hours reviewing the permit application and associated documents. After our review, we are uncertain of how Bridge Industrial and Sierra Construction will be able to meet all state and federal water quality and requirements and standards under the Model Toxics Control Act and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). With that in mind, we urge Ecology to take serious note of our comments and questions below, and to hold Bridge Industrial and Sierra Construction to the highest standards possible for protecting human health and the environment.

The Project site sits on top of the South Tacoma aquifer, which at times supplies up to 40 percent of Tacoma's drinking water.<sup>1</sup> Groundwater flow below the site is recharged from as far southeast as Highway 161 and flow is generally to the west and north, eventually discharging to Puget Sound between the Narrows Bridge on the north to University Place on the south in the Tacoma Narrows region. Recharge amounts vary from 5-30 inches per year, largely controlled by the amount of urbanization.<sup>2</sup>

Further, the project site largely intersects with the Commencement Bay, South Tacoma Channel Superfund site – specifically, the South Tacoma Field operable unit (OU). The soils and groundwater at the site were left contaminated from industrial and commercial activities, spanning over a century, including “railroad equipment manufacturing, repair and maintenance; iron and brass foundry; aircraft maintenance and refueling operations; disposal area for foundry, construction, and domestic wastes; unauthorized dumping areas for household and commercial wastes; public utilities; and builders supply.”<sup>3</sup> Over 120,000 tons of contaminated sediments were consolidated and covered on-site. Based on the information from the Environmental Protection Agency's (EPA) last 5-year review, concentrations of contaminated sediments capped on-site are far above acceptable levels for any disturbance without a comprehensive soil management plan – this includes high concentrations of arsenic, lead, cPAHs (carcinogenic polycyclic aromatic hydrocarbons) and PCBs (polychlorinated biphenyls).<sup>4</sup>

Elevated iron concentrations have recently been found near the southernmost cap.<sup>5</sup> Despite having this knowledge as noted in their Stormwater Pollution Prevention Plan (SWPPP), Sierra Construction checked “no” to the question of “Are you aware of groundwater contamination located within the site boundary?” As required by the Construction Stormwater General Permit, the applicant must provide detailed information on the nature and extent of the contamination, as well as pollution prevention and/or treatment Best Management Practices (BMPs). **Ecology must require that Sierra Construction and Bridge Industrial provide this information – at current, it appears that the applicants are unaware of the nature and extent of the contamination on site, as well as the accountability measures that are required of them under CERCLA.**

We are very concerned about the risk of disturbing contaminated sediments left in place on-site mobilizing into the groundwater and surface water, particularly during excavation and grading activities. Surface water on-site ultimately feeds into Flett Creek, then Chambers Creek, and then Chambers Bay. These are all salmon-bearing streams that support Fall Chinook, Coho, Summer, Fall, and Winter Chum, and Winter Steelhead.<sup>6</sup> **What monitoring will occur to determine if contaminants of concern are entering the ground and/or surface water? What is the risk of acute toxicity to aquatic life should contaminants reach surface waters off-site?**

The SWPPP states, “Treatment and source control BMPs are not proposed to control the discharge of contaminants of concern into groundwater because stormwater and dewatering water that contacts contaminated soil during the soil mitigation phase is not expected to impact groundwater below the temporary sediment ponds.” The applicants justify this approach based on the 1994 Record of Decision (ROD) and because a 2019 EPA Letter stated that, “shallow groundwater quality in areas where impacted soils were consolidated or treated (e.g., Northern Consolidation Area) has ‘been monitored for 17 years without showing any indication that contaminants of concern (COCs) have leached from the soils and migrated to groundwater’.” The ROD and recent letter from the EPA describe site conditions where the sediments have not been disturbed for nearly 20 years. If the project moves forward, a massive amount of sediment, including contaminated sediments, will be disturbed and previous site conditions and patterns will no longer be

relevant. **What is Ecology's justification for allowing the applicants to not consider the discharge of contaminants of concern into the groundwater, especially since this consideration is a condition of the Construction Stormwater General Permit (S9.C.4)? Further, if they have not already done so, we encourage Ecology staff to review the most recent letter from the EPA to the City of Tacoma regarding this specific project.**<sup>7</sup>

The SWPPP also states that the ongoing monitoring of the site and resulting findings as described above are the reason for the "regulatory closure" of the site. The Soil Management Plan (SMP) states that the EPA issued the applicant a Comfort Letter, "confirming that the proposed actions are consistent with the ROD and the Consent Decree and that if implemented, the OU for the Project Area will remain delisted from the National Priorities List (NPL)." The South Tacoma Field Operable Unit is an **active Superfund Site**, and its soils are only *partially delisted* from the NPL. Operation and Maintenance, institutional controls, and a Five-Year Review are required in perpetuity to ensure the protection of human and environmental health.<sup>7</sup> **Again, it appears that the applicants are unaware of the nature and extent of the contamination on site, as well as the accountability measures that are required of them under CERCLA. Ecology must ensure that the applicant understands these requirements and that they are properly described in all permit documents.**

The Site Description in the SMP makes no mention of the residential area that is directly adjacent to the site. Residents who live directly west of the Project site rank 10 out of 10 on the Environmental Health Disparities scale – meaning these residents experience worse health outcomes because of where they live. People of color make up the majority of the demographic of this neighborhood, and residents living in this area experience poverty at the highest rate compared to other areas of the City.<sup>8</sup> We are very concerned about the risk of disturbing the contaminated sediments left in place on-site, particularly dust becoming airborne and entering the adjacent residential areas. The SMP advises on-site personnel to move "up-wind" to minimize exposures to windblown dust. **Given that the nearby residents cannot move their houses upwind of the site, what measures will Ecology require of the applicant to ensure that nearby residents are not exposed to windblown dust?**

The SMP states, "Water spraying for dust suppression will be an ongoing component of this work as seasonally required." There is no mention in the SWPPP how the runoff from the ongoing spraying will be handled. **Ecology must require the applicants to properly channel and treat this runoff because it will likely have a high concentration of arsenic and lead, and this information must be described in detail in the SWPPP and related engineering plans.**

The SMP relies on scraping, temporarily stockpiling, and finally mixing and burying the most contaminated sediments at the site under the proposed buildings. Assuming precipitation events will occur during the time of construction, and while these contaminated sediments are temporarily stockpiled, we can expect to see very contaminated runoff from these piles. The SWPPP made no mention of how runoff from these temporary stockpiles would be addressed. **Ecology must require the applicants to properly channel and treat this runoff because it will likely have a high concentration of arsenic and lead, and this information must be described in detail in the SWPPP and related engineering plans. Further, what is Ecology's justification for allowing the applicants to keep these contaminated sediments on-site, rather than relocating them to an appropriate landfill?**

Given the amount of truck traffic that will be commuting to and from the site on a daily basis during construction activities, we are very concerned about the amount of 6PPD quinone (q) that will be shed from the tires and mobilize into surface waters. We appreciate that a wheel wash will be installed on site to prevent contaminants from leaving the site, but this will not prevent on-site contaminants like 6PPDq from mobilizing into surface waters. **How will this permit address 6PPDq contamination and its resulting acute toxicity to coho salmon?**

**Lastly, we have serious concerns about the way in which public engagement was carried out for this draft permit.** We believe the Public Notice of Application was published in local newspapers, but did not actually see it. We were only informed of this permit application from other community advocates. This is in spite of our subscription to Ecology's Construction Stormwater listserv. The legal notice only provided a mailing address for public comment, and no actual due date. Further, the draft permit and comment period is not listed on Ecology's Public input and events page as of the writing of this letter. If Ecology seeks to meaningfully consider the concerns of community members impacted by this proposal, then more thorough and transparent public communication must be implemented. This proposed warehousing project is of monumental concern to this community, and this draft permit comment period was another chance to voice our concerns. It is very disappointing that Ecology did not do a better job of engaging the public on this opportunity, and we hope Ecology's public engagement will improve in the future.

Thank you for providing the opportunity to review and comment on the draft Bridge Industrial Construction Stormwater General Permit WAR311285. If you have questions or need clarification of any of our comments, please contact Erin Dilworth at [edilworth@healthybay.org](mailto:edilworth@healthybay.org).

Sincerely,



Erin Dilworth  
Communities for a Healthy Bay  
Policy & Technical Program Manager

cc: Piper Peterson, Environmental Protection Agency  
Theo Mbabaliye, Environmental Protection Agency  
Noel Tamboer, WA Department of Ecology  
Melinda Wilson, WA Department of Ecology  
Shirley Schultz, City of Tacoma

encl: March 10, 2022 letter from the EPA to the City of Tacoma

1. Tacoma Pierce County Health Department. (n.d.). *South Tacoma Groundwater Protection District*. Accessed on April 4, 2022 from <https://www.tpchd.org/healthy-places/waste-management/business-pollution-prevention/south-tacoma-groundwater-protection-district>
2. United States Geological Survey. (2010). USGS Scientific Investigations Report 2010-5055: Hydrogeologic Framework, Groundwater Movement, and Water Budget in the Chambers Creek-Clover Creek Watershed and Vicinity, Pierce County, Washington, Savoca, et al, 2010, 45 pp.
3. Environmental Protection Agency. (2005). *Commencement Bay, South Tacoma Channel Partial Deletion Narrative*. June 14, 2005. 2pp.
4. Environmental Protection Agency. (2018). *Fifth Five-Year Review Report for Commencement Bay, South Tacoma Channel Superfund Site*. Tacoma, Washington. September 28, 2018. 86pp.
5. Environmental Protection Agency. (n.d.). *Commencement Bay, South Tacoma Channel Tacoma, Wa*. Accessed on May 6, 2022 from <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.cleanup&id=1000979>
6. Washington Department of Fish and Wildlife. (n.d.). *SalmonScape*. Accessed on April 4, 2022 from <http://apps.wdfw.wa.gov/salmonscape/map.html>
7. Chu, Margaret. (2022). Letter to Shirley Schultz regarding City of Tacoma's February 8, 2022, Public Notice of the permit application for the Bridge BNSF Warehouse Project (LU21-0125; EPA number 22- 0016-SEPA). March 10, 2022.
8. Washington State Department of Health. (n.d.). *Washington Tracking Network: A Source for Environmental Public Health Data*. Accessed from <https://fortress.wa.gov/doh/wtn/WTNIBL/> on April 13, 2022.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 155  
Seattle, WA 98101-3188

REGIONAL  
ADMINISTRATOR'S  
DIVISION

March 10, 2022

Shirley Schultz  
Development Services  
City of Tacoma  
747 Market Street  
Tacoma, Washington 98402

Dear Ms. Schultz:

The U.S. Environmental Protection Agency has reviewed the City of Tacoma's February 8, 2022, Public Notice of the permit application for the Bridge BNSF Warehouse Project (LU21-0125; EPA number 22-0016-SEPA) in Pierce County, WA in accordance with Washington State Environmental Policy Act (SEPA). The proposed project includes developing a 150 acre-site with buildings, parking lots, and a road with sidewalks. Up to 113 acres of impervious surface will be created.

The project proposes to develop portions of the Commencement Bay/South Tacoma Channel Superfund Site, South Tacoma Field (Operable Unit 4). Contaminants located on the north end of the proposed project site have been capped as part of the Superfund Site remediation. The Superfund Site is subject to remediation requirements under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). As part of the cleanup, a consent decree approved by the United States District Court for the Western District of Washington obligates several CERCLA potentially responsible parties to implement, operate and maintain remedial activities at the Site. Under the Consent Decree, both EPA and Washington State Department of Ecology have authorities, including review and approval of work plans, for those activities which may impact the remedial activities at the Site.

Based on EPA review of the Public Notice, the proposed project impacts during construction activities will generate both temporary and permanent environmental impacts. EPA provides the attached recommendations and comments specific to the CERCLA remediation requirements associated with the Superfund Site. Additionally, EPA recommends that the Applicant coordinate with Remedial Project Manager for the Superfund Site, Piper Peterson, at (206) 553-4951 or [peterston.piper@epa.gov](mailto:peterston.piper@epa.gov) as the project is developed and implemented.

Thank you for the opportunity to comment on this project permit application. If you have questions about EPA's comments, please contact Theo Mbabaliye of my staff at (206) 553-6322 or at [mbabaliye.theogene@epa.gov](mailto:mbabaliye.theogene@epa.gov).

Sincerely,

Rebecca A. Chu, Chief  
Policy and Environmental Review Branch

**US EPA Comments on the Permit Application for the  
Bridge BNSF Warehouse Project (LU21-0125)  
Pierce County, WA**

*Superfund Cleanup Activities in the Proposed Project Area*

Cleanup actions were implemented by several CERCLA potentially responsible parties pursuant to a Consent Decree within the proposed project area. The cleanup actions did not remove all contaminated soils from the Site. The areas where contaminated soils remain on Site were capped to prevent future human exposure. As part of the Superfund remedial action, the capped areas are subject to future use restrictions which prohibit uses that may damage or impair the effectiveness of the caps in preventing exposure to the underlying contaminated soils. The use restrictions were included in an Environmental Protection Restrictive Covenant and Access Easement that was filed with the Pierce County Recorder's Office. EPA recommends that the environmental review documents identify the use restrictions and describe how they will be complied with throughout the proposed project.

The proposed project includes construction of more than one large building and pave or otherwise hardscape most of the proposed project area. The paved areas would be used to park trucks and trailers. Because of that, construction of the project will result in all contaminated soils located in the proposed project area being capped under the buildings and paved/hardscaped areas. Therefore, we recommend that the environmental review specify how the proposed project will be compatible with the implemented EPA cleanup actions and existing property use restrictions.

Additionally, EPA recommends that the following information be provided for the purposes of evaluating the environmental impacts of the proposed project to the Commencement Bay/South Tacoma Channel Superfund Site, South Tacoma Field (Operable Unit 4):

Provide the following documents to the EPA Superfund program for coordination on the proposed project with the Superfund remedial action:

- **A.11 Background.** The Conceptual Mitigation Plan, dated December 2021
- **B.1.h. Environmental – Earth.** The draft “temporary erosion and control plan”
- **3.d. Water runoff (including stormwater).** The TESC plans
- **4.c. Plants.** The wetland plans
- **5.b. Animals.** The Biological Evaluation prepared by Soundview Consultants, May 2021
- **3.c.2. Water runoff (including stormwater), third paragraph.** Plans identifying stormwater or dust suppression water management within the Superfund Site.

**A.9. Background.** Clarify if the Media Management Plan is the same as the Soils Management Plan approved by EPA's Superfund Program in September 2021 as part of the Superfund remedial work. See 3.c.2 below as well.

**B.2.a. Environmental – Air.** Clarify if there are PSAPCA requirements for dust control or dust suppression during construction activities and if the plans will be reviewed by PSAPCA as well.

**B.2.c. Environmental – Air.** The project has identified a “no visible dust” standard. The proposal states “As practicable, .... water spraying equipment will be used to minimize the potential for dust suppression.” Identify circumstances when or where water spraying equipment might not be able to be used for dust suppression, and what actions will be undertaken to mitigate dust in those instances.

**3.a.1. Surface Water.** A “Stream Z” is identified in this paragraph, however, there is not a stream named “Z” in the area. Likely the stream referred to is Fleet Creek. Verify and clarify in future submittals regarding this project.

**3.a.2. Surface Water.** Identify what a "bottomless crossing" along “Stream Z” is and where the creek is in relationship to the South Tacoma Field Superfund site and the future development activities. Note the creek is referred to as Fleet Creek at the end of this paragraph.

**3.b.1 Groundwater.** Identify the volume and location of the stormwater infiltration system(s) and the soil chemical characteristics in that area (e.g., are they below cleanup levels or are they clean). Identify the location of the modular wetland system and the components of such a system and its relationship to the existing wetlands on this property.

**3.c.1 Water runoff (including stormwater).** Clarify if the infiltration facilities described are the same or different from the infiltration system and/or modular wetland system identified above in 3.b.1. Provide the location of this infiltration facility(ies) and the “natural discharge point.”

**3.c.2. Water runoff (including stormwater), first paragraph.** Clarify that “some of the contaminated soils on the STF OU 4 (Commencement Bay/South Tacoma Channel -- CB/STC) Superfund site have been stabilized” Note: this references Operable Unit 4 of the Superfund Site. There are other soils, nearly 95,000 cy, that have been consolidated (but not treated) adjacent to the treated soils. Both contiguous soil areas are covered with 1-foot of soil. Include in this section a discussion of impacts to surface water during redevelopment activities and identify measures to take to mitigate impacts.

**3.c.2. Water runoff (including stormwater), second paragraph.** Be aware that where the development plan identifies excavation or placement of contaminated soil or water (i.e., rainwater, dust suppression, etc.) that is in contact with contaminated on-site soil, the applicant will need to coordinate with the EPA Superfund RPM and City on plans to implement such activities.

Refer to contaminated soils as such and not as “Waste.”

**3.c.2. Water runoff (including stormwater), third paragraph.** It is probable that rainwater and water generated during waste suppression activities will encounter contaminated on-site soil during excavation and transport of soils to vicinity of the two building foundations. These soils will need to be managed appropriately.

**7.a. Environmental Health, first paragraph.** This operable unit of CB/STC is a Superfund site. The soils on the South Tacoma Field OU4 are partially deleted from the National Priorities List, but Operation and Maintenance (O&M), institutional controls (ICs) and a Five-Year Review (FYR) are required in perpetuity for the remedy to remain protective. ICs and the O&M Plan shall be updated after development activities are constructed. EPA will conduct FYRs every 5 years; the next one will be completed by May 2023. The site is referred to as “CB/STC.”

**7.a. Environmental Health, second paragraph.** The Site Management Plan was approved by EPA’s Superfund program in September 2021. Please clarify what “final site closure” refers to. Please note that the Superfund remedy for STF OU4 requires ongoing review and evaluation for protectiveness in EPA’s FYR.



**7.a.1. Environmental Health.** The on-site soils that are treated and/or consolidated and covered with one foot of soil are referred to as a “cover” (not cap) in Superfund project documents.

**7.a.1. Environmental Health, Groundwater.** A groundwater attainment analysis has been conducted and approved by EPA Superfund program at the wells on the BNSF property; groundwater was determined to have met the cleanup levels in the ROD. Monitoring wells have been decommissioned in this area.

**EPA Address.** The address for EPA RPM is:

US Environmental Protection Agency R10  
Superfund & Emergency Management Division  
1200 Sixth Avenue, Suite 155, M/S *12-D12-1*  
Seattle, Washington 98101-3188